

### **REMARKS/ARGUMENTS**

These remarks are responsive to the Final Office Action dated August 23, 2005 and were necessitated by the Examiner's continued reliance on the Widegren reference. Applicant deemed this reference to be overcome by the response to the previous Office Action.

Currently claims 1-28 are pending with claims 1, 9, 16, 20, 24, 27 and 28 being independent. Claims 9-15, 20-26 and 28 are allowed.

The Examiner rejected claims 1-8, 16-19 and 27 under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,374,112 to Widegren *et al.* ("Widegren") This rejection is respectfully traversed for at least the reasons set forth below.

#### **35 U.S.C. §102(e)**

The Examiner rejected claims 1-8, 16-19 and 27 under 35 U.S.C. §102(e) as being anticipated by Widegren. This rejection is respectfully traversed.

Claim 1 of the present invention recites a method of providing wireless data communication at a control entity. Data is received in accordance with an Open Systems Interconnection (OSI) reference model level 3 protocol. One of a centralized mode and a distributed mode is selected. When the centralized mode is selected, all operations of an OSI reference model layer 2 protocol are implemented to deliver the data to at least one transceiver device. When the distributed mode is selected, only a portion of operations of the layer 2 protocol is implemented to deliver the data to at least one transceiver device. The portion of operations of the layer 2 protocol includes at least those of a centralized protocol sub-layer.

According to the Examiner, "in the present invention, a centralized mode is described as performing all layer 2 functions, where distributed mode is performing some of the layer 2 functions" (citing page 3, line15-19) and Widegren discloses "selecting one of a centralized

mode (ARQ is implemented twice in modules 210 and 214 for packet oriented classes) and a distributed mode (ARQ is only implemented once in module 212 for packet oriented classes) implementing when the centralized mode is selected all operations of OSI model layer 2 protocol to deliver the data to at least one transceiver device and implementing when distributed mode is selected, only a portion of operations of the layer 2 protocol to deliver data to the transceiver device for transmission to a user (note: ARQ is not performed in module 212). Applicant respectfully points out that the Examiner's entire assertion is based on a misinterpretation of the centralized and distributed modes and a definition which is taken out of context.

The citation that the Examiner employs for his definition of centralized and distributed mode, namely page 3, lines 15-19, is a partial definition taken out of context, which when placed back into context only relates to functionality taking place at the control entity. (See page 3, lines 9-17). While the Examiner is correct that in the centralized mode all layer 2 protocols are performed he is incorrect in the assertion that in the distributed mode only some of the layer 2 functions are performed. All layer 2 protocols are performed in both the centralized mode and the distributed mode. The difference is the location in which these functions are performed. In the centralized mode, all layer 2 protocols are performed in the control entity, while in the distributed mode only a portion of the layer 2 protocols are performed at the control entity. This is illustrated in the specification as follows:

The present invention provides a wireless data network architecture that supports both centralized mode operation and distributed mode operation. In the centralized mode, all of the Open Systems Interconnection (OSI) reference model data link layer, also known as layer 2, protocol functions are implemented within the radio access control entity, such as at a base station controller (BSC) or similar network controller. In the distributed mode, some of the layer 2 protocol functions are implemented at the BSC or similar network controller, and some of the layer 2 protocol functions are implemented at the BTSs. (p. 5, ll. 7-13)

Thus, while all layer 2 operations are performed in both modes of operation, only a portion of the layer 2 protocols are performed at the control entity when distributed mode is selected. As illustrated by the preamble of Claim 1, Claim 1 is directed to functionality “at a control entity.”

Widegren does not make a selection between a centralized and distributed mode of operation. Instead, Widegren selects either Frame streaming transport RLC/MAC (Item 212) or Scheduled transport of frames RLC/MAC (item 214), which are not related to centralized or distributed modes.

Further, the Examiner misinterprets Figure 7 of Widegren. According to the specification, Figure 7 of Widegren is a functional block diagram. While Figure 7 illustrates a layer 2 functional break-down or blocks consisting of the Logical channel mapping (logical link layer) and Frame streaming transport/Scheduled transport of frames (RLC/MAC layer) it does not disclose where the functional blocks reside in the network node. Thus the system in Widegren has no relation to the centralized mode or the distributed mode.

Finally, the Examiner’s assertion that the implementation of ARQ twice (duplication) versus the single implementation is the same as the implementation of all layer 2 protocols versus only a portion is simply misplaced. Regardless of how many times a layer 2 protocol is performed, so long as it is performed one time it is performed. As such, the fact that figure 7 shows ARQ being duplicated by two functional blocks but not 3 functional blocks is not the same as the function being performed in one instance and not performed at all in another. In both instances in Figure 7 ARQ is being performed at least once.

Since Widegren fails to disclose every element of Claim 1, Claim 1 is not anticipated by Widegren and the rejection is respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw his rejection of Claim 1.

Claims 16 and 27 are not anticipated by Widegren for at least the same reasons presented with respect to Claim 1 and the rejection of claims 16 and 27 is respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw his rejection of Claims 16 and 27.

Claims 2-8 and 17-19 depend from Claims 1 and 16 respectively. As such, Claims 2-8 and 17-19 are not anticipated by Widegren for at least the same reasons stated above with respect to Claims 1 and 16. Therefore, the rejections of Claims 2-8 and 17-19 are respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw his rejections of Claims 2-8 and 17-19.

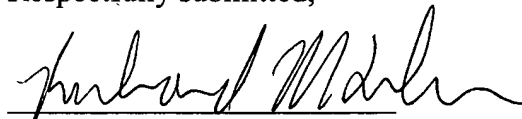
No new matter has been added.

Applicant's Statement of Interview Substance is presented in a separate document.

The claims currently presented are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Applicants' undersigned attorney to expedite further processing of the application to allowance.

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Respectfully submitted,



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